

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4765 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

ZARINABEN NAUSHAR KHAMBHATA D/O SORABJI KHARSEDJI MISTRY

Versus

STATE OF GUJARAT

Appearance:

MR PRASHANT G DESAI for Petitioners
MR VM PANCHOLI, AGP, for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 28/07/1999

ORAL JUDGEMENT

Heard Mr Purohit for the petitioner and Mr V.M.Pancholi for the respondents. The petitioner has challenged the order dated 25.5.1982 (Annexure-B) and the order dated 31.5.1990 (Annexure-E) of the State Government rejecting the petitioner's application for exemption under section 20 of the Urban Land (Ceiling & Regulation) Act, 1976. In view of the said orders, the competent authority had proceeded to process the

petitioner's form under section 6 of the Act and passed order dated 15.6.1988 (Annexure-C). However, while admitting the petition this Court had granted ad interim stay of the further proceedings pursuant to the impugned orders. At the hearing of this petition Mr VM Pancholi, learned AGP, states that during the pendency of the petition the State Government has taken the order of the competent authority in suo motu review under section 34 of the Act and passed the order dated 9.9.1997. However, in view of the ad interim stay granted by this Court, the authorities have not taken possession of the land in question from the petitioners. The learned AGP has also placed on record the letter dated 27.7.1999 from the competent authority and the Additional Collector, ULC, Ahmedabad, pointing out the aforesaid facts. The said letter is taken on record.

3 The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March 1999, passed under Article 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4 The petition is accordingly disposed of as having abated. There shall be no order as to costs.

(M S SHAH, J.)
(mohd)